

Message

From: Mutz, John (Fletcher) [mutz.john@epa.gov]
Sent: 12/28/2020 5:43:15 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: RE: Notice of Legal Violation re: EPA Approval of 404 Program
Attachments: Letter to FDEP re Effective Date of EPA's Approval of Florida's Application to Assume Administration of the CWA 404 Program (for signature).pdf

Flag: Follow up

David,

Here's that letter. I'll transmit when you're ready.

Thanks,
Fletcher

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Monday, December 28, 2020 12:14 PM
To: Mutz, John (Fletcher) <mutz.john@epa.gov>
Subject: FW: Notice of Legal Violation re: EPA Approval of 404 Program

Here's the draft letter I mentioned this morning. I don't anticipate any further edits. Could you proof it, please on letterhead, and send to me for digital signature? Let me know if you have questions. Thanks!

The recipient's email address is: Justin.G.Wolfe@dep.state.fl.us

Here are the CCs that should be added

- Dave Ross, AA, OW
- Mary Walker, RA, R4
- Oliver Potts, Director of the Federal Register, Office of the Federal Register oliver.potts@nara.gov
- Lt. General Scott A. Spellmon, Chief of Engineers, U.S. Army Corps of Engineers
scott.a.spellmon.mil@mail.mil
- Colonel Andrew Kelly, U.S. Army Corps of Engineers andrew.d.kelly@usace.army.mil
- Noah Valenstein, Secretary, Florida Department of Environmental Protection
noah.valenstein@dep.state.fl.us
- Tania Galloni, Earthjustice tgalloni@earthjustice.org

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Fotouhi, David
Sent: Sunday, December 27, 2020 9:19 PM
To: 'Ross, David P' <ross.davidp@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Kramer, Jessica L.

<kramer.jessical@epa.gov>

Cc: 'SUSAN BODINE (bodine.susan@epa.gov)' <bodine.susan@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

Subject: RE: Notice of Legal Violation re: EPA Approval of 404 Program

PRIVILEGED—DELIBERATIVE

Ex. 5 Deliberative Process (DP)

If you have any comments on the draft letter, please let me know on Monday. Thanks!

Best,

David

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Fotouhi, David

Sent: Tuesday, December 22, 2020 4:24 PM

To: Ross, David P <ross.davidp@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>

Cc: SUSAN BODINE (bodine.susan@epa.gov) <bodine.susan@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

Subject: FW: Notice of Legal Violation re: EPA Approval of 404 Program

Importance: High

PRIVILEGED—DELIBERATIVE

I just received the attached.

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Happy to discuss.

David Fotouhi

Acting General Counsel
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Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Ana Correa <acorrea@earthjustice.org>
Sent: Tuesday, December 22, 2020 4:01 PM
To: Wheeler, Andrew <wheeler.andrew@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; oliver.potts@nara.gov; scott.a.spellmon.mil@mail.mil;
andrew.d.kelly@usace.army.mil; Noah Valenstein <noah.valenstein@dep.state.fl.us>; justin.g.wolfe@dep.state.fl.us
Subject: Notice of Legal Violation re: EPA Approval of 404 Program
Importance: High

Please see attached.

Ana C. Correa
Litigation Assistant
Florida Regional Office
4500 Biscayne Blvd. Ste 201
Miami, FL 33137
305-440-5433



Because the earth needs a good lawyer